

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
 vs.)
TERRY VAN MEAD,)
 Defendant.)

Case No:
2:11-cr-00087-wks-1

RESENTENCING
Monday, May 11, 2015
Burlington, Vermont

BEFORE:

THE HONORABLE WILLIAM K. SESSIONS, III
District Judge

APPEARANCES:

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1 MONDAY, MAY 11, 2015

2 (The following was held in open court at 11:05 a.m.)

3 THE COURT: Good morning.

4 MR. DOHERTY: Good morning.

5 MR. BARTH: Good morning.

6 DEPUTY CLERK: This is case number 11-87,
7 United States of America vs. Terry Mead. The Government
8 is present through Assistant United States Attorney Tim
9 Doherty. The Defendant is present via video conferencing.
10 Present in the courtroom on behalf of the Defendant is
11 Assistant Federal Public Defender Steven Barth.

12 The matter before the court is
13 resentencing.

14 THE COURT: All right. This is a
15 resentencing. Mr. Mead, can you hear us today?

16 MR. MEAD: Yes, I can, Your Honor.

17 THE COURT: Okay. I have before me a
18 request for permission to participate in the hearing via
19 video conference and a waiver of your right to be present.
20 Have you had an opportunity to go over that request with
21 Mr. Barth?

22 MR. MEAD: Yes, I have.

23 THE COURT: And this is your signature here
24 on the form?

25 MR. MEAD: Yes, it is, sir. Yes.

1 THE COURT: And you wish to proceed to your
2 sentencing via video conference?

3 MR. MEAD: Yes, Your Honor.

4 THE COURT: Have you had an adequate
5 opportunity to talk to Mr. Barth in advance of the
6 hearing?

7 MR. MEAD: Yes, we have.

8 THE COURT: Okay. All right. The court
9 will grant your request for permission to participate in
10 the hearing via video conferencing.

11 Again, I've read the presentence report,
12 read the same sentencing report that was submitted
13 initially. You have received a copy of that report, Mr.
14 Barth?

15 MR. BARTH: The initial one?

16 THE COURT: Initial.

17 MR. BARTH: Oh absolutely, yes.

18 THE COURT: And you have gone over that
19 with your client?

20 MR. BARTH: Yes, Your Honor.

21 THE COURT: Any factual mistakes in the
22 report?

23 MR. BARTH: No, Your Honor.

24 THE COURT: Other than obviously the
25 calculation is different based upon the second circuit's

1 opinion on *United States vs. Day*.

2 MR. BARTH: Yes.

3 THE COURT: That one? All right. Mr.
4 Mead, have you gone over the report again with Mr. Barth?

5 MR. MEAD: Yes, we have.

6 THE COURT: Did you see any mistakes in the
7 report?

8 MR. MEAD: We discussed the facts and
9 things there, and I didn't see any mistakes. No.

10 THE COURT: Okay. And Mr. Doherty, any
11 errors?

12 MR. DOHERTY: No, Your Honor.

13 THE COURT: All right. Again I've read the
14 report. I've read the sentencing memoranda submitted by
15 the defense. I went over the various exhibits that were
16 attached to the report including the 18-page summary of
17 Mr. Mead's adjustment at Petersburg. And so the defense's
18 request is for a non-guideline sentence, and I'll hear you
19 on that request.

20 MR. BARTH: Yes. Thank you, Your Honor.
21 When I stood before this court with Mr. Mead next to me,
22 and this court imposed sentence, I recall very clearly as
23 the court regularly does, it gave some advice to Mr. Mead
24 to change his life. It was not unlike advice that counsel
25 had tried to impart both before and after sentencing. And

1 one hopes that a client, a Defendant, standing before the
2 court will listen and take those things to heart and make
3 an attempt to change his or her life.

4 And so often we don't know because the
5 Defendant, the client, never ends up before the same court
6 again. Often it's the opposite; client or Defendant ends
7 up before the court. However, in this case because of the
8 second circuit's opinion in *U.S. v. Mead* we do know that
9 Mr. Mead took this court's words to heart, took counsel's
10 advice to heart, and most importantly made a decision on
11 his own to change his life.

12 Now one thing that Mr. Mead has wanted me
13 to communicate to both the probation officer, to this
14 court, and I'm sure based on the court's comments at the
15 beginning of this hearing it would know this, neither
16 counsel nor Mr. Mead had any expectation that this case
17 would necessarily come back before the court. I felt
18 strongly that our argument was persuasive based on the --
19 going back and reading the court's opinion on this, I
20 think the court may have even thought the argument was
21 somewhat persuasive, although maybe I'm reading too much
22 into it. But there was Day. And Day was binding on this
23 court obviously. The court had seemingly very little
24 leeway to get around Day.

25 And what's interesting about Mead is that I

1 believe it was Judge Livingston who authored the opinion
2 in Mead who also authored the opinion in Day. Seemingly
3 one might argue doing a bit of pivot. The reason I bring
4 this up is Mr. Mead's concern that this court, the
5 probation officer and counsel might believe he sustained
6 this good behavior for these years simply thinking that
7 this case would come back. And certainly I never imparted
8 that belief in him, and he never believed that. I can
9 tell you he was extremely surprised when I spoke to him
10 after the decision was made.

11 Despite not believing that he would ever be
12 before this court again awaiting sentencing, Mr. Mead has
13 had a sea change in both his -- in his behavior and his
14 attitude. I want to stress to you that shortly after the
15 Day case was -- I'm sorry, after the Mead case was
16 published, I got a call from Petersburg. There were two
17 COs on the phone. They were concerned because they now
18 had a presentencing detainee in general population at an
19 FCI. And they were concerned that they had to put Mr.
20 Mead into segregation for liability purposes.

21 Now I've never heard of this before, but
22 they wanted to talk through with me. I told them, of
23 course, they had no liability issues, and they should not
24 put him in segregation, and ultimately that's the choice
25 they made. But this was the first indication that I had

1 that there had been a dramatic change in Mr. Mead's
2 attitude. Because both of those correctional officers had
3 nothing but nice things to say about Mr. Mead. I think I
4 would have been hard pressed to find similar comments from
5 correctional officers and U.S. Marshals pretrial. And
6 what they said was that at that time he was the orderly in
7 the associate warden's office. That is a privilege only
8 given to one inmate after that inmate has proven
9 themselves, and if they continue to prove themselves, they
10 do not rotate any other inmates through that job because
11 it is such a sensitive job. They want to keep somebody
12 there that they trust. And Mr. Mead has maintained their
13 trust and remains in the associate warden's office as the
14 orderly.

15 In addition to earning the trust through
16 his hard work and remaining free from infraction, he's
17 taken serious steps to better his life by taking advantage
18 of the programming that is available to him at Petersburg.
19 I've attached several certificates to show the court that
20 he has done his best to improve himself both physically,
21 mentally and emotionally.

22 But in addition to that, Your Honor, Mr.
23 Mead has been proactive in looking forward beyond the
24 walls of the Petersburg facility. As the court has seen,
25 Mr. Mead has taken steps to regain the trust of his

1 family, and regain the trust of some of the folks in the
2 community.

3 THE COURT: Well there was -- there are a
4 couple of different documents that were somewhat
5 inconsistent about whether in fact he has made progress at
6 reuniting with the family. First, there is a reference in
7 one particular page to him having a whole lot more contact
8 with his children.

9 MR. BARTH: Yes.

10 THE COURT: And then there is another page
11 which is -- I think it's even following, which suggests
12 that he's still having difficulty reuniting with the
13 family, but he's making efforts. What is the level of his
14 communication with the kids, and in particular his
15 reintegration with the family or plans for reintegration
16 with the family?

17 MR. BARTH: Yes. So as far as giving you
18 with what regularity Mr. Mead is in contact with his
19 children, I can't tell you. But we have spoken about this
20 recently. We spoke about it even just before the court
21 took the bench.

22 Your Honor, I think he's made great
23 strides. I think from -- the impression I have from Mr.
24 Mead is that he has regular contact with his children now,
25 that it has been a process, but that he is in regular

1 contact with his children. He just mentioned, I think for
2 the first time this morning, that he also has reconnected
3 with the mother of his children, and if I'm wrong about
4 where I've misinterpreted something he's told me, I'm sure
5 he will correct me when he has a chance to speak to Your
6 Honor. But he has made great strides in reconnecting with
7 his children.

8 I can tell you, Your Honor, that even
9 before he was sent to FCI Petersburg one of the most
10 important things to Mr. Mead was his children. I'm sure
11 Mr. Mead remembers this, but he had his family send us,
12 and we collected, I think, from some of the things that
13 were in his property that was seized, a number of
14 pictures. And some of it, if I may is -- my memory is
15 coming back to me, was sent to us or we picked up when he
16 was transferred from facility to facility.

17 The most important thing that -- to Mr.
18 Mead that he wanted to make sure we got back to him were
19 the pictures and letters of his children and from his
20 children. So that has been a constant motivator in Mr.
21 Mead's life, but it appears and certainly he can address
22 this, that he has earned their trust and is in regular
23 contact in particular with his children.

24 In that report I would note, I think it is
25 somewhat -- it's somewhat dated, I think they do them

1 every six months or so. In any event, I think there's
2 been great strides in that regard. I also attached a
3 letter from Ms. Long, Mr. Cresinger. He, Mr. Mead, has
4 taken steps not only to better himself while he's in
5 custody, but to make sure that he has a secure place to
6 land once he's released. He's going to have a place to
7 stay, and he is going to have a job. Those things have
8 been promised to him by Ms. Long and Mr. Cresinger and
9 that is what Mr. Mead plans to do.

10 I also understand that -- from Ms. Long
11 that there are some plans to help Mr. Mead get into school
12 so that he is in school part time while he's working as
13 well. And I mentioned this in my paperwork, but Mr. Mead
14 has been saving his money. At the time I talked to him
15 about that last he had saved up about \$6,400 in his
16 account. He now has \$6,700 in his account. So he's done
17 everything one could hope that a person in his position
18 would do such that the court can be reasonably assured he
19 won't be committing new crimes and facing new sentencing
20 in the future.

21 For those reasons, and pursuant to the
22 Supreme Court's holding in Pepper, we think that the court
23 should take those things into consideration and vary
24 downward from the guidelines from a low-end sentence of 92
25 months to a relatively modest variation to 75 months.

1 THE COURT: All right. Do you wish to say
2 anything, Mr. Mead?

3 MR. MEAD: Your Honor, can you hear me?

4 THE COURT: Yes.

5 MR. MEAD: The only thing I wanted to say
6 was Mr. Barth is correct. I did take the words to heart.
7 I didn't have any plans on the deal going through because
8 I didn't plan -- I mean I did most of it for myself and my
9 kids to make sure when I am released that I will be
10 financially secure, I'll have better life for my kids.
11 Right now I'm just E-mailing them letters, and also I
12 established like Mr. Barth said, guarantee of employment
13 and housing from the people that can help me, and they are
14 supporting me a hundred percent no matter when I'm
15 released so this way I can be a productive member of
16 society.

17 And he also told you that I worked for the
18 associate warden which is directly working in the warden's
19 office as an orderly. I also work on the compound for the
20 captain. I have had no infractions. I've stayed shute
21 free this whole time I have been in Petersburg. I
22 realized I was a mess and I just knew that I couldn't do
23 it anymore.

24 THE COURT: So what was it that turned this
25 around here, Mr. Mead? Because when you were in court

1 here you, to say the least, were a mess.

2 MR. MEAD: Yes. I understand that. And to
3 be honest, I think what it is, both my kids were -- before
4 they were younger kids. Now they are turned to teenagers
5 I'm realizing how much I missed.

6 THE COURT: What kind of contact do you
7 have with them?

8 MR. MEAD: Right now it's through E-mail
9 with their mom. I have both their Email addresses and
10 letters. I have a few hundred pictures that they sent me.
11 I send them pictures back and forth. I try to get them
12 gifts, they do drawings and stuff for me on the holidays.
13 The phone is kind of difficult because they are 16 hours
14 ahead of us right now. But either my mom -- I have
15 contact with my mother now. She moved back to Vermont.
16 And she knows I'm here, and she is doing her best.

17 So I figured if I fail -- I get paid from
18 the social work, I get paid \$96. I put 90 dollars in my
19 savings and \$6 on my account so I can contact my children.
20 I don't spend my money. I save that because I know when I
21 get out I don't want to be dependent on society. I want
22 to be self dependent and be able to help my children
23 wherever I can, whenever I can because they have helped
24 me. Trying to do something good.

25 THE COURT: All right. So your plans -- I

1 mean I read the letter about the employment that's been
2 offered to you. And they obviously are going to provide
3 housing. That is your plan when you're released?

4 MR. MEAD: My plan is to, yes, work for Amy
5 and Toby, and they have like 50 houses, apartments. I'm
6 going to live in one of their apartments. Eventually I'm
7 going to take over their detailing company. They have a
8 detailing company also. And we are going to build houses
9 for them. They build a lot of houses which I like to do.
10 And keep moving.

11 THE COURT: So I noticed that you couldn't
12 get in the 500-hour program so -- within three years of
13 your release date. Is the 500-hour program available at
14 Petersburg?

15 MR. MEAD: Yes, there is one. I did do a
16 short one originally.

17 THE COURT: Right. I saw that.

18 MR. MEAD: Right. They were waiting close
19 to my release because when you sentenced me you said close
20 to my release to do the program. And I believe it wasn't
21 until 2012, so we were working on it before the case
22 manager changed.

23 THE COURT: All right. All right. Okay.
24 Is there anything else that you want to say?

25 MR. MEAD: Yes. I just want to apologize

1 for the way I acted before. That whole thing -- just in
2 the fact that I've changed considerably from what I was
3 before, in my opinion, from my attorney's opinion, just in
4 the fact that shows that I did it because I knew I needed
5 to.

6 THE COURT: Okay. All right. Mr. Doherty,
7 do you want to respond?

8 MR. DOHERTY: Your Honor, when Ms. Nolan
9 filed her sentencing memo back in 2012 she went through
10 the 3553(a) factors and argued those factors militated in
11 favor of 130 months' sentence. In the government's view
12 those factors are still in play. They still militate in
13 favor of a guideline sentence in this case.

14 Mr. Van Mead has 21 criminal history
15 points. He has a long track record of violence, brutal
16 violence, in some instances predatory behavior toward
17 women, young women frequently. In the Government's view
18 at this point the defense is asking for the court to
19 essentially come close anyway to cutting his previously
20 imposed sentence in half.

21 The Government just does not think it's
22 warranted. So we submit that a guideline sentence
23 somewhere within that 92 to 115-month range is appropriate
24 under the 3553(a) factors.

25 THE COURT: Okay. Any response, Mr. Barth?

1 MR. BARTH: No. Thank you, Your Honor.

2 THE COURT: All right. So going back to
3 the sentencing date, Mr. Mead, there are a number of
4 reasons why the court imposed a guideline sentence. There
5 was a request for a non-guideline sentence. And generally
6 the court's practice is first to assess where the
7 guidelines fall. What's the sentence required by the
8 guidelines or suggested by the guidelines, and then makes
9 a separate analysis as to whether or not a non-guideline
10 sentence would be more appropriate.

11 So when I did that, I made an analysis that
12 based upon who was before me at that particular moment a
13 sentence of 130 months was relevant. So it was
14 appropriate. It was not greater than necessary to
15 accomplish the purposes in sentencing.

16 So when one comes back for resentencing,
17 one doesn't necessarily go to the bottom line of the
18 guidelines when one imposed the guideline sentence
19 initially. At the point at which you were in this
20 courtroom that sentence I felt appropriate.

21 Now, of course, four points have been
22 reduced from the guideline range. But more than that,
23 you've made what appears to be a significant change in
24 your life. And what's interesting about that fact is that
25 you made it without necessarily knowing that you would be

1 back before the court. You know, maybe a light went off,
2 maybe you came to a recognition that you should be a
3 father again, maybe you came to a recognition that it's
4 time to decide not to spend the rest of your life in
5 prison. Regardless, I went through your records, clearly
6 you've made adjustment. And the court is going to make
7 not only a sentence toward -- below the bottom of the
8 guidelines, but a mild variance. One of the things that I
9 think is really important is that you participate in the
10 500-hour program so that you learn the skills to be able
11 to adjust to pressures in life without returning to drugs
12 when you're released to the community.

13 And as a result, the court is going to
14 impose a sentence of 84 months which is below the
15 guideline range. And I do that because it means that
16 you've got plenty of time to prepare for your release, it
17 means that you can get into the 500-hour program, although
18 I doubt very much you would get credit for that, but that
19 you could begin to plan for your reentry.

20 At the same time, this was an
21 extraordinarily serious offense. You were found in
22 possession of guns or having sold guns that had been
23 stolen from two different residences just that morning.
24 And with your criminal history of 21 points in possession
25 and then distributing guns, that's just an extraordinarily

1 serious offense. So the court is -- based upon really
2 what you've earned from your behavior at Petersburg --
3 going to make that adjustment below the guideline range,
4 modest though it is, but with the idea that you begin the
5 process of planning your reentry.

6 So the court finds as follows: The offense
7 of violating the Sex Offender Registration and
8 Notification Act in violation of 18 USC section 2250 and
9 possession of stolen firearms in violation of 18 USC
10 section 922(j), 924(a)(2), occurred from in or about
11 December of 2010 to the fall of 2010. The guidelines
12 apply. Are you standing -- oh, you're standing for a
13 reason?

14 MR. BARTH: He can't stand because he'll be
15 off the screen.

16 THE COURT: So you're going to stand.
17 Okay. Counts I and II of the indictment do not meet the
18 grouping criteria and thus will be considered separately.
19 Count I, this is the SORNA offense. The guideline for
20 this offense is found in section 2A3.5. The Defendant was
21 required to register as a tier-two sex offender. Base
22 offense level is 14. Specific offense characteristics do
23 not apply.

24 Count II, possession of stolen firearms.
25 The guideline for this offense is found in 2K2.1. The

1 Defendant committed the instant offense subsequent to
2 sustaining at least one felony conviction for a crime of
3 violence which results in a base offense level of 20.
4 Specific events characteristics apply. There is a six
5 level adjustment, four levels based upon the number of
6 firearms, 8 to 24. And two levels for the fact that the
7 firearms were stolen. So the adjusted offense level is
8 26.

9 Pursuant to multiple count adjustments one
10 unit is assigned. The combined adjusted offense level
11 remains at 26. The Defendant has demonstrated acceptance
12 of responsibility. Three level reduction to 23. The
13 Defendant has a total of 21 criminal history points
14 resulting in a criminal history category of six, and the
15 guideline range is 92 to 115 months.

16 Authorized term of supervised release is
17 five years to life. The court grants the Defendant's
18 request for a non-guideline sentence, adjusts the sentence
19 to 84 months.

20 It is the sentence of the court that
21 Defendant be committed to the custody of the federal
22 Bureau of Prisons for 42 months on Count I and 42 months
23 on Count II, each to be run consecutively for a total of
24 84 months to be followed by a five-year term of supervised
25 release. Conditions of supervised release are as follows:

1 The Defendant shall not commit any crimes; federal, state
2 or local. The Defendant shall not possess any illegal or
3 controlled substances. The Defendant shall abide by the
4 standard conditions of supervision recommended by the
5 sentencing commission. He shall not possess a firearm or
6 other dangerous weapon. The Defendant shall participate
7 in a program approved by the U.S. Probation Office for
8 substance abuse, which program may include testing to
9 determine whether the Defendant has reverted to the use of
10 drugs or alcohol. He shall contribute to the cost of
11 services rendered in an amount to be determined by the
12 probation officer, based on ability to pay or the
13 availability of third-party payment. He shall refrain
14 from the use of alcohol and other intoxicants during and
15 after treatment.

16 The Defendant shall participate in a mental
17 health program approved by the U.S. Probation Office. The
18 Defendant shall contribute to the cost of services
19 rendered in an amount to be determined by the probation
20 officer, based on ability to pay or the availability of
21 third-party payment. He shall refrain from any unlawful
22 use of a controlled substance and submit to a drug test
23 within 15 days of release, on supervised release, and at
24 least two periodic drug tests thereafter for use of a
25 controlled substance. He shall not possess images or

1 videos of the victims' sexually explicit conduct involving
2 adults, child pornography or visual or text content
3 involving minors which has sexual, prurient or violent
4 interests as an inherent purpose. He shall avoid and is
5 prohibited from being in any areas or locations where
6 children are likely to congregate such as schools, day
7 care facilities, playgrounds, theme parks, arcades,
8 recreational facilities or recreation parks unless prior
9 approval has been obtained from the probation office. He
10 shall register as a sex offender in any state where the
11 Defendant resides, is employed, performs volunteer
12 service, carries out a vocation or as a student as
13 required by law.

14 He shall not associate or have contact
15 directly or indirectly with persons under the age of 18
16 except in the presence of a responsible adult who is aware
17 of the nature of the Defendant's background, and who has
18 been approved in advance by the probation officer. He may
19 not use sexually-oriented telephone numbers or services.
20 He shall submit his person and any property, house,
21 residence, vehicle, papers, computer, other electronic
22 communications or data storage devices, or media and
23 effects to search at any time with or without a warrant by
24 any law enforcement or probation officer with reasonable
25 suspicion concerning a violation of a condition of

1 supervised release, probation, or unlawful conduct by the
2 person and by any probation officer in the unlawful
3 discharge of the officer's supervision functions. Such
4 searches may include the removal of such items for the
5 purpose of conducting a more thorough inspection. The
6 Defendant shall inform the other residents of this
7 condition. Failure to submit to a search may be grounds
8 for revocation.

9 The Defendant shall cooperate in the
10 collection of DNA as directed by the probation officer.
11 Now the court's going to recommend the following. First,
12 that the Defendant participate in the 500-hour drug and
13 alcohol rehabilitation program sponsored by the Bureau of
14 Prisons. If he has not successfully completed the
15 program, if there is any other program other than the one
16 that he's already successfully completed, because I
17 reviewed the certificate of completion, then he shall
18 participate in that program.

19 Second, that he should be released to --
20 what is the town in Pennsylvania? Do you have that?

21 MR. MEAD: Selinsgrove, I believe.

22 THE COURT: Okay. Feelingsgrove?

23 MR. MEAD: Selins with a S.

24 THE COURT: Okay.

25 MR. BARTH: Your Honor, I certainly can get

1 you that information. I was looking in my notes. I don't
2 have that information.

3 THE COURT: I'll just leave it in
4 Pennsylvania. It may not be that particular town. He
5 should be released in Pennsylvania. By the way, there was
6 some reference in your materials, those 18 pages, to some
7 finding by this court that you not be released to Vermont.
8 I don't recall that specifically, but if that was, in fact
9 said, it would have been because you had no connection to
10 the state any longer. Apparently your mother is here at
11 this point. So --

12 MR. MEAD: I do have family in Vermont and
13 New York, sir.

14 THE COURT: Right. I didn't mean to
15 suggest that that was taken -- to be taken as a bar to you
16 being released to Vermont.

17 MR. MEAD: It does say for me not to go to
18 New York or Vermont. I never understood that.

19 THE COURT: Well that may have been -- -- I
20 don't recall that specifically. But my sense is that that
21 may have been because of your mother not being present at
22 that point, but I certainly do not intend to bar you being
23 released to Vermont or New York State, especially in light
24 of the changes that you've made.

25 But having said that, it seems to me that

1 you've got a good plan to be reintegrated into the
2 community in Pennsylvania, so I'm encouraging that to be
3 said. But it's not a bar to Vermont.

4 MR. MEAD: Okay. Thank you.

5 THE COURT: The guideline fine range is
6 10,000 to \$500,000. Demonstrated an inability to pay a
7 fine. All fines are waived. Special assessment of \$200
8 is imposed due immediately. Has that been paid?

9 MR. BARTH: I actually don't know. Terry,
10 are you paying the \$200 to the inmate restitution program?

11 MR. MEAD: Yeah. I've already paid that.
12 Completed.

13 THE COURT: Okay. Both the Defendant and
14 the Government may have the right to appeal this sentence
15 as set forth in Title 18 USC section 3742. If the
16 Defendant is unable to pay the cost of appeal, he has the
17 right to apply for leave to appeal in forma pauperis and
18 request the court to appoint counsel for him. If the
19 Defendant so requests, the clerk of court shall prepare
20 and file forthwith a notice of appeal on behalf of the
21 Defendant. Notice of appeal by the Defendant must be
22 filed within 14 days of the date judgment is entered on
23 the Docket pursuant to rule 4(b) of the Federal Rules of
24 Appellate Procedure.

25 Now we had worked out the rough time when

1 you would be eligible for release. It's fall of -- is it
2 fall of 2017? Is that --

3 PROBATION OFFICER: I believe that's
4 correct.

5 THE COURT: All right. The fall of 2017
6 which gives you some good time to prepare. So anything
7 further from the Government?

8 MR. DOHERTY: There isn't from us, Your
9 Honor. Thank you.

10 THE COURT: Anything further?

11 MR. BARTH: No thank you, Your Honor.

12 THE COURT: Congratulations, Mr. Mead, in
13 having a reduced sentence, and although I suppose I can
14 debate with counsel here, why the second circuit did what
15 they did. Good luck.

16 MR. MEAD: Thank you.

17 (Whereupon, the proceeding was
18 adjourned at 11:40 a.m.)

19 (Court was in recess at 3:03 p.m.)

20 C E R T I F I C A T I O N

21 I certify that the foregoing is a correct
22 transcript from the record of proceedings in the
23 above-entitled matter.
24
25



Kim U. Leav

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